

Decision No. 31693

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Petition of the
SACRAMENTO MUNICIPAL UTILITY DISTRICT
to have fixed and determined the just
compensation to be paid for an elec-
tric distribution system existing within
and adjacent to the boundaries of said
District.

Application No. 21960

Robert L. Shinn, Stephen W. Downey
and Marshall K. Taylor for
Sacramento Municipal Utility
District.

Chaffee E. Hall, R. W. DuVal and
Robert H. Gerdes, for Pacific Gas
and Electric Company, American
Trust Company, and City Bank Farmers
Trust Company.

BY THE COMMISSION:

ORDER AUTHORIZING AMENDMENT OF PETITION

On December 20, 1938 petitioner filed an application for leave to amend the petition in the above proceeding in certain respects set forth in detail in said application. The record shows that on January 6, 1939 the application for leave to amend was personally served upon counsel for each of the owners and claimants named in the original petition and in the order to show cause issued on June 20, 1938.

At the hearing of January 11, 1939 counsel for petitioner moved that amendment of the petition be authorized. In reply to such motion, counsel for the owners and claimants stated that there was no objection to the proposed amendments as such, subject, however, to all of the objections made in the return to

the order to show cause and during the argument thereon. The Commission having considered said application and motion, and good cause appearing,

IT IS ORDERED that Sacramento Municipal Utility District be and it is hereby authorized to amend Application No. 21960, and said petition is hereby amended in the manner and to the extent specified and requested in said application for leave to amend, a certified copy of which is attached hereto and made a part hereof.

Dated, San Francisco, California, January 30, 1939.

Raymond J. ...
Frank ...
W. L. ...
H. ...
Justin J. ...
Commissioners.

1 BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

2
3 FILED

RAILROAD COMMISSION
STATE OF CALIFORNIA

DEC 20 1938

Application
SAN FRANCISCO
OFFICE

No. 21,960

4 In the matter of the Petition of the)
5 SACRAMENTO MUNICIPAL UTILITY DISTRICT)
6 to have fixed and determined the just)
7 compensation to be paid for an)
8 electric distribution system existing)
9 within and adjacent to the boundaries)
10 of said District.)

11 APPLICATION FOR LEAVE TO AMEND PETITION

12 The petition of Sacramento Municipal Utility District,
13 a municipal utility district, respectfully shows that:

14 I.

15 On the 20th day of May, 1938, the Board of Directors
16 of said District did, at a meeting of said Board, by its
17 Resolution No. 806, which was duly passed by unanimous vote of
18 all of the members of said Board, determine that the public
19 interest and necessity demand the acquisition by said District
20 under eminent domain proceedings, certain rights, lands and
21 other properties as therein described for public use by said
22 District in connection with the operation and maintenance of an
23 electric system and works for the distribution of electric
24 energy.

25 Said resolution did direct the bringing of appropriate
26 eminent domain proceedings and specifically directed the filing
27 of a petition before the Railroad Commission of the State of
28 California, pursuant to Section 47(b) of the Public Utilities
29 Act.

30 II.

31 On the 21st day of May, 1938, said District did,
32 pursuant to said Resolution No. 806, file a petition with the

1 Railroad Commission of the State of California, praying said
2 Commission to fix and determine the just compensation to be
3 paid for an electric distribution system, existing within and
4 adjacent to the boundaries of said District. Said petition was
5 assigned application number 21,960 by said Commission.

6 III.

7 On the 15th day of December, 1938, the Board of
8 Directors of said District did, at a meeting of said Board, by
9 its Resolution No. 842, which was duly passed by unanimous vote
10 of all members of said Board, amend said Resolution No. 806 by
11 amending in certain respects the form of petition to be filed
12 before the Railroad Commission, and directed the filing of this
13 application for leave to amend said petition so filed on May 21,
14 1938.

15 IV.

16 The amendments for which authorization is hereinbelow
17 prayed will, if authorized, amend said petition in the same
18 respect and manner that said Resolution No. 842 did amend the
19 form of petition set forth in and provided for by said
20 Resolution No. 806.

21 WHEREFORE, Petitioner prays that the honorable Rail-
22 road Commission of the State of California, authorize said
23 District to amend said petition as follows:

24 I.

25 Lines 15 to 17, inclusive, of page 4, of Exhibit A to
26 said Petition, be amended to read as follows:

27 "Meters - includes all electric meters and any and
28 all electric measuring devices (including instrument trans-
29 formers, current, potential, and/or other), meter boxes, meter
30 cans, meter seals and hardware.

31 (See Customer Meter. See Transformers)"

1 II.

2 Between lines 30 and 31, of page 4, of Exhibit A to
3 said petition, the following to be inserted:

4 "Overhead Conductors - The term "overhead conductors"
5 refers to any and all electric conductors described as being
6 part of the properties which the District seeks to acquire and
7 which are not underground conductors as defined hereinafter in
8 this sub-item.
9 (See Electric Conductors. See Underground Conductors)"

10 III.

11 Lines 31 to 32, inclusive, of page 5, of Exhibit A to
12 said petition be amended to read as follows:

13 "Transformers - includes transformers other than
14 instrument transformers, current, potential and/or other, and
15 includes any and all transformer hooks, transformer oil and
16 hardware. (See Meters)".

17 IV.

18 Between lines 32 and 33, of page 5, of Exhibit A to
19 said petition, the following to be inserted:

20 "Transformer Leads - Refers to any electric conductors
21 which are electrically connected to any terminal on a transformer
22 and which extend from the inside to the outside of a transformer
23 case and which extend from such terminals to the first point at
24 which said conductors are spliced or are in any other way electri-
25 cally connected to other conductors."

26 V.

27 Between lines 33 and 34 of page 5, of Exhibit A to
28 said petition, the following to be inserted:

29 "Underground Conductors - The term "Underground
30 conductors" refers to any and all electric conductors which are
31 described as being a part of the property which the District
32 seeks to acquire and which extend underground from manhole to

1 manhole, or which extend from manhole to the pothead or conduit
2 at the top of any riser which is not in a building or underground
3 from the conductors above referred to in this definition to and
4 into any building.

5 (See Electric Conductors. See Overhead Conductors)."

6 VI.

7 Following line 43 of page 5, of Exhibit A to said
8 petition, the following to be inserted:

9 "Weatherproofing - The term "weatherproofing" when
10 used herein with reference to conductors, refers only to that
11 type of insulation which is used on weatherproof wire."

12 VII.

13 Lines 22 to 34, inclusive, of page 30, of Exhibit A to
14 said petition, be amended to read as follows:

15 "EXCEPTING, FURTHER, any interest whatsoever in:

16 (a) any buildings or other structures situate on either of those
17 parcels of real property described hereinbefore in Sub-items 3.1
18 and 3.3; (b) any building or buildings other than any building
19 or buildings in which there is a transformer or transformers to
20 the low voltage side of which transformer or transformers are
21 attached conductors through which (or through the extensions, or
22 continuations of, or the electrical connections to such con-
23 ductors) electric energy is conveyed to any customer meter, and
24 other than any building or buildings situated on any parcel or
25 parcels of real property described in Item 2 of this Exhibit "A"
26 as being a part or parts of the property the District seeks to
27 acquire; provided, that under this sub-heading (b) there are not
28 included with any building or buildings excepted from the
29 properties which the District seeks to acquire, any clamps,
30 insulators, brackets, or other such devices (not including con-
31 duit) by means of which any conductors or the extensions, con-
32 tinuations or electrical connections to such conductors, any of

1 which the District seeks to acquire, are attached to such
2 excepted building or buildings, it being intended that the
3 District seeks to acquire all such clamps, insulators, brackets
4 and other such devices; (c) any building, or buildings in which
5 there is any fixture, or fixtures which the District does not
6 seek to acquire; (d) those buildings which are indicated herein-
7 after in sub-items 4.53 and 4.54."

8 VIII.

9 Line 37 of page 36 to line 29 of page 37, inclusive, of
10 Exhibit A to said petition, be amended to read as follows:

11 "Sub-Item 4.20 Further Exception of Electric
12 Conductors and Equipment Beyond Indicated Points.

13 "Paragraph 4.20.1 - Any electric conductors, or the
14 extensions or continuations of, or electrical connections to such
15 conductors, any of which are underground conductors, beyond any
16 of the following designated points:

17 "(a) If there is no transformer electrically connected
18 to such conductors between any point where they enter into
19 or pass under any exterior wall or bulkhead of any build-
20 ing other than any building located on real property
21 specifically described in Item 2 or Item 3 of this Exhibit
22 A, and a customer meter, the designated point is any point
23 at which such conductors enter into or pass under any
24 exterior wall or bulkhead (whichever is first) of any
25 building other than any building located on real property
26 specifically described in Item 2 or Item 3 of this Exhibit
27 A;

28 "(b) If there is a transformer or transformers electri-
29 cally connected to such conductors, between any point where
30 such conductors enter into or pass under any exterior wall
31 or bulkhead of any such building, and any customer meter,
32 the designated point is: If there is but one such trans-

1 former, any point where the transformer leads on the low
2 voltage side of such transformers are electrically con-
3 nected to the conductors which extend to any customer
4 meter, or if there are two or more such transformers, any
5 point where the conductors which extend between any termi-
6 nals on the low voltage side of any two or more of such
7 transformers are electrically connected to conductors which
8 extend to any customer meter;

9 "PROVIDED, HOWEVER, that in no event are there to be
10 included with the properties which the District seeks to acquire
11 any conductors or the extensions, continuations, or electrical
12 connections to such conductors beyond any customer meter;

13 "PROVIDED, FURTHER, that all such customer meters are
14 specifically included with the property which the District seeks
15 to acquire whether such meters are located at or beyond the
16 point to which said conductors or the extensions or continuations
17 of, or electrical connections to such conductors are included
18 with the properties which the District seeks to acquire.

19 "PROVIDED, HOWEVER, that the word "beyond" as used in
20 this Paragraph 4.20.1 means beyond the point indicated when going
21 from the source of power towards any customer meter.

22 "Paragraph 4.20.2 - Any electric conductors, or the
23 extensions or continuations of, or electrical connections to such
24 conductors, any of which are overhead conductors, beyond any of
25 the following designated points:

26 "(a) If (1) they are not in conduit, and if (2) they
27 are within ten feet of any building other than any build-
28 ing situate on any parcel of real property described
29 hereinbefore in Item 2 or Item 3, as measured along such
30 conductors from any point at which they are attached to
31 any such building, the designated point is the first point
32 (when going from the source of power towards a customer

meter) in such conductors where they are covered with any insulating material other than weatherproofing;

"(b) If (1) they extend wholly or partially through conduit which is attached to or extends into any building other than any building situate on any parcel of real property described hereinbefore in Item 2 or Item 3, from conductors which extend overhead from pole to pole, or from pole to structure, or from structure to structure, on the one hand, to any building other than any building situated on any parcel of real property described hereinbefore in Item 2 or Item 3, on the other hand, and if (2) there is no transformer electrically connected to such conductors between the last point where such conductors are either covered with no insulation or are covered with weatherproofing, and a customer meter, the designated point is the first point (when going from the source of power towards a customer meter) in such conductors where they are covered with any insulating material other than weatherproofing;

"(c) If (1) they extend wholly or partially through conduit which is attached to or extends into any building other than any building situate on any parcel of real property described hereinbefore in Item 2 or Item 3, from conductors which extend overhead from pole to pole, or from pole to structure, or from structure to structure, on the one hand, to any building other than any building situate on any parcel of real property described hereinbefore in Item 2 or Item 3, on the other hand, and if (2) there is a transformer or transformers electrically connected to such conductors between the last point (when going from the source of power towards any customer meter) where such conductors are either covered with no insulation or are covered with weatherproofing, and any customer meter,

1 the point designated is: If there is but one such trans-
2 former, any point where the transformer leads on the low
3 voltage side of such transformer are electrically con-
4 nected to the conductors which extend to any customer
5 meter, or if there are two or more such transformers, any
6 point where the conductors which extend between any termi-
7 nals on the low voltage side of any two or more of such
8 transformers are electrically connected to conductors which
9 extend to any customer meter;

10 "PROVIDED, HOWEVER, that the District seeks to acquire
11 such conductors and/or the extensions and continuations of,
12 and/or electrical connections to such conductors into, through
13 and beyond any building or buildings (other than any building
14 or buildings in which there is any fixture or fixtures which the
15 District does not seek to acquire), in which there is a trans-
16 former or transformers, to the low voltage side of which trans-
17 former or transformers are attached conductors through which
18 (or through the extensions, continuations or electrical con-
19 nections to such conductors) electric energy is conveyed to any
20 customer meter;

21 "PROVIDED, HOWEVER, that in no event are there to be
22 included with the properties which the District seeks to acquire
23 any conductors or the extensions, continuations or electrical
24 connections to such conductors beyond any customer meter;

25 "PROVIDED, FURTHER, that all such customer meters are
26 specifically included with the property which the District seeks
27 to acquire whether such meters are located at or beyond any
28 point to which said conductors or the extensions or continu-
29 ations of, or electrical connections to such conductors are in-
30 cluded with the properties which the District seeks to acquire;

31 "PROVIDED, FURTHER, that the word "beyond", as used
32 in this Paragraph 4.20.2 means beyond the point indicated when

1 going from the source of power towards any customer meter."

2 SACRAMENTO MUNICIPAL UTILITY DISTRICT

3
4 By (Signed) JOSEPH E. SPINK

JOSEPH E. SPINK, Secretary

5 ROBERT L. SHINN

6 STEPHEN W. DOWNEY

7 MARSHALL K. TAYLOR

8 Attorneys for Petitioner

9
10
11 'State of California)
12 County of Sacramento) ss.

13 JOSEPH E. SPINK, being first duly sworn, deposes and
14 says: that he is an officer of the petitioner to-wit, its
15 Secretary, and that he verifies the foregoing application for
16 leave to amend petition on behalf of the petitioner; that he has
17 read said application for leave to amend petition and knows the
18 contents thereof; that the same is true of his own knowledge
19 except as to the matters which are therein stated upon his in-
20 formation and as to those matters he believes it to be true.

21
22 (Signed) JOSEPH E. SPINK

23 JOSEPH E. SPINK, Secretary

24 SACRAMENTO MUNICIPAL UTILITY DISTRICT

25
26
27 Subscribed and sworn to before me this
28 19th day of December, 1938.

29 (Signed) DOROTHY FLINT

30 (SEAL) Notary Public in and for the County
31 of Sacramento, State of California.

32 My Commission expires September 24, 1942.